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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Ex Parte DONALD G. RUSSELL

Appeal No. 2003-0436
Application 09/372,835

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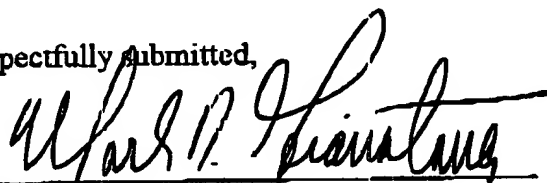
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APPELLANT'S RESPONSE TO BOARD'S INQUIRY

In response to the Board's telephone inquiry, Appellant elected not to file a permissive reply to the Supplemental Examiner's Answer because it raises arguments already addressed in Appellant's Appeal Brief, Reply Brief, and other submissions of record, and otherwise includes commentary and rhetorical questions not directed to establishing the factual underpinning of a prima facie case under 35 U.S.C. § 103(a) as requested by the Board on remand.

Respectfully submitted,

By



Mark D. Giarratana (Reg. No. 32,615)

Eric E. Grondahl (Reg. No. 46,741)

Attorneys for Applicant

McCarter & English, LLP

CityPlace I

185 Asylum Street

Hartford, Connecticut 06103-3495

Phone: 860-275-6719

Fax: 860-560-5919

Email: mgiarratana@mccarter.com

August 5, 2004

HARTFORD: 620512.01

**Attorneys at Law**

CityPlace I

185 Asylum Street

Hartford, CT 06103-3495

Phone 860.275.6700

Fax 860.724.3397

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